

AMENDMENT UNDER 37 C.F.R. §1.111
U.S. SERIAL NO. 10/500,244

ART UNIT 1733
Q82272

AMENDMENTS TO THE DRAWINGS

Applicant submits herewith a replacement sheet for Fig. 6 labelled as -- Prior Art -- pursuant to the Examiner's requirement set forth in numbered paragraph 1 on page 2 of the Office Action.

Attachment: Replacement Sheet (1) for Fig. 6

REMARKS

Claims 1-3 and 6-9 are presently pending in this application. Claims 4 and 5 were previously cancelled. Claim 1 is the only independent claim.

As requested by the Examiner, a replacement sheet for Fig. 6 labelled as --Prior Art-- is submitted concurrently herewith.

The Examiner objects to claim 1 based on the formality identified in numbered paragraph 2 of the Office Action. Applicant hereby adopts the Examiner's suggestion. Accordingly, the Examiner is respectfully requested to withdraw the objection to claim 1.

The Examiner rejects claims 1-3 and 6-9 under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. The foregoing claim amendments are believed to overcome this rejection. Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of the claims under 35 U.S.C. §112, second paragraph.

Claim 1 is rejected under 35 U.S.C. §102(b) as anticipated by or under §103(a) as obvious over JP '220. Claim 1 is hereby amended to add a recitation that "a cut depth of the sipe changes in the width direction." By this feature, it is easy to regulate the ratio between a sipe sectional area S2 of a shoulder side region and a sipe sectional area S1 of a center side region within the ratio recited in claim 1.

JP '220 clearly fails to teach or suggest the invention as now more clearly recited in claim 1. Therefore, the Examiner is respectfully requested to withdraw the rejection of claims 1, 2, 6 and 7 over JP '220.

Regarding JP '526, the Examiner notes that claim 1 of the instant application "fails to specify the location (e.g. center of block) of the boundary between the center side region and shoulder side region and thereby fails to require a different tire than Japan 526." See the bottom half of page 5 of the Office Action. However, the Examiner contends that it would have been obvious to locate the sipes in the blocks such that $S2/S1$ is 1.4 to 2.0, "...since Japan 526 teaches providing the blocks with one end opening sipes such that the tire has good tire stability and good running performance."

Applicant respectfully submits that the Examiner is relying on mere speculation; JP '526 is completely silent regarding a ratio of $S2$ to $S1$. This rejection is improperly predicated on the use of hindsight gained from reading and understanding the instant application and, as such, should be withdrawn.

Applicant respectfully submits that EP '397 and Yamaguchi are deficient for at least the same reasons as JP '526. That is, JP '526, EP '397 and Yamaguchi all fail to teach or fairly suggest sectional areas or relative sectional areas created by the sipes as claimed.

In view of the preceding amendments and remarks, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephonic

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interview, he is kindly requested to contact the undersigned attorney at the local telephone number listed below.

The USPTO is directed and authorized to charge all required fees (with the exception of the Issue/Publication Fees) to our Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

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